

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ESTATE OF VICTOR E. ORTIZ,

Plaintiff,

-against-

BRONX HARBOR HEALTH CARE
COMPLEX, INC., *et al.*,

Defendants.

1:22-cv-09348 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Defendant Bronx Harbor Health Care Complex, Inc. (“Bronx Harbor”) removed this action from the New York Supreme Court, County of Bronx, on November 1, 2022. ECF No. 1. On November 3, 2022, Defendant filed a Letter-Motion requesting the Court “hold anticipated motion practice and/or consideration of remand in abeyance until after the appeals of *Leroy v. Hume*, Nos. 21-2158, 21-2159 (cons.) and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center*, 21-2164, currently pending in the Second Circuit, are decided.” ECF No. 5. Plaintiff has not appeared in this federal action or otherwise responded to Defendant Bronx Harbor’s Letter-Motion.

The Court finds sufficient cause to stay this action pending decision(s) by the U.S. Court of Appeals for the Second Circuit in *Leroy v. Hume*, Nos. 21-2158, 21-2159 (cons.) and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center*, 21-2164 (together, the “Second Circuit Cases”), which may bear on whether this Court has subject-matter jurisdiction over this case.

Accordingly, IT IS HEREBY ORDERED that this action is stayed pending disposition of the Second Circuit Cases.

IT IS FURTHER ORDERED that Defendant Bronx Harbor shall, by **November 11, 2022**,

serve this Order, the Letter-Motion, and the Notice of Removal (including all attachments) on all parties in this action and file proof of service on ECF within three business days.

IT IS FURTHER ORDERED that the parties shall, **within one week** of the disposition of the Second Circuit Cases, file a joint letter indicating the decision(s)'s bearing on this case and proposing next steps.

Dated: November 8, 2022
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge